

Message

From: Calvino, Maria Soledad [Calvino.Maria@epa.gov]
Sent: 11/6/2018 5:49:25 PM
To: LEE, LILY [LEE.LILY@EPA.GOV]
Subject: RE: FYI - Excerpts from the 3rd Committee to Bridge the Gap report that are relevant to EPA's role re cleanup standards

No worries! Yes, I'll ask him and let you know.

Soledad Calvino
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From: LEE, LILY
Sent: Tuesday, November 06, 2018 9:47 AM
To: Calvino, Maria Soledad <Calvino.Maria@epa.gov>
Subject: Fwd: FYI - Excerpts from the 3rd Committee to Bridge the Gap report that are relevant to EPA's role re cleanup standards

Sorry I for got to include you.

Can you find out what kind of meeting Bill wants and send invite to the right people?

Does he mean the meeting we tried to have with Enrique and Angeles?

Sent from my iPhone

Begin forwarded message:

From: "Glenn, William" <Glenn.William@epa.gov>
Date: November 6, 2018 at 9:39:04 AM PST
To: "LEE, LILY" <LEE.LILY@EPA.GOV>
Cc: "Chesnutt, John" <Chesnutt.John@epa.gov>, "Maier, Brent" <Maier.Brent@epa.gov>, "Clancy, Maeve" <Clancy.Maeve@epa.gov>, "Lane, Jackie" <Lane.Jackie@epa.gov>, "Yogi, David" <Yogi.David@epa.gov>
Subject: Re: FYI - Excerpts from the 3rd Committee to Bridge the Gap report that are relevant to EPA's role re cleanup standards

Thanks, Lily. We should definitely schedule a time to get this group together to discuss our next communications steps.

Bill Glenn
Acting Deputy Director
Office of Public Affairs
U.S. EPA, Pacific Southwest
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On Nov 6, 2018, at 7:30 AM, LEE, LILY <LEE.LILY@EPA.GOV> wrote:

<http://committeetobridgethegap.org/wp-content/uploads/2018/10/HuntersPtReport3CleanupStandards.pdf>

Excerpts from Executive Summary:

“The Navy is Required to Perform 5-Year-Reviews to Determine that Cleanup Standards Are Still Protective Based on Current EPA Guidance— And Has to

Date Refused to Do So, Despite Repeated Orders from EPA

Over the last year, EPA has repeatedly directed the Navy to evaluate the HPS radionuclide

cleanup standards against the current EPA PRG Calculator for soil and the Building PRG

Calculator in the Navy’s Five-Year Review, and to use updated cleanup values based on those

PRG calculations in its plans for retesting due to the Tetra Tech scandal.

However, the Navy has

to date refused to do so, releasing a draft Five Year Review in July 2018 and draft retesting plans

in March and June that ignore the EPA directives and fail to assess the current adequacy of the

ancient radionuclide cleanup values the Navy has been employing.

Despite these repeated and escalating directions from EPA, the Navy as of yet hasn’t evaluated

its HPS cleanup standards by **running EPA’s PRG and BPRG Calculators**

Excerpts from Main text:

Navy failed to perform such a review in its

First, Second, and Third Five-Year Reviews.

Over the last year, EPA has repeatedly directed the Navy to evaluate the HPS radionuclide

cleanup standards against the current EPA PRG Calculator for soil and the Building PRG

Calculator in its latest, Fourth Five-Year Review, and to use updated cleanup values based on

those PRG calculations in its plans for retesting due to the Tetra Tech scandal.

However, the

Navy has to date refused to do so, releasing a draft Five Year Review in July 2018 and draft

retesting plans in March and June that ignore the EPA directives and fail to assess the current

adequacy of the ancient radionuclide cleanup values the Navy has been employing. (While the

Navy may at some point finally comply, its longstanding resistance raises questions whether

such an analysis, if ever performed, would be a candid assessment or would instead try to change inputs into the PRG calculations so as to achieve more desirable outputs. We discuss this prospect in a subsequent section of this report.)

EPA on March 26, 2018, commented on the Navy's February 2018 Draft Work Plan for

Radiological Survey and Sampling, regarding the section on release criteria (cleanup standards):

As part of the fourth Five-Year Review occurring in parallel this year, the Navy is performing updated risk evaluations of these existing Remedial Goals (RG's).

EPA has previously recommended that this evaluation should use the current versions of the USEPA's Preliminary Remediation Goals (PRG) Calculator for soil and the Building PRG Calculator for buildings (BPRG). The new work performed under this Work Plan should use cleanup criteria that reflect findings of the updated risk evaluations to ensure the protectiveness of the cleanup."

(emphasis added)

The Navy ignored the directive.

In the same communication, EPA told the Navy to stop using the old and non-protective

Regulatory Guide 1.86 and instead use EPA's current PRG Calculators:

Please find and update all references to the Nuclear Regulatory Commission's **(NRC) Regulatory Guide 1.86, which has been withdrawn**. Some of the release criteria in the RODs were originally based on Regulatory Guide 1.86 limits.

Please see above comment on Section 4.1.1 (Release Criteria) **regarding review of the protectiveness of these criteria using the current versions of EPA's risk models, the PRG and BPRG Calculators.**

(emphasis added)

The Navy continued to ignore this directive also. When the Navy subsequently issued the draft

Work Plan for Parcel G Retesting and the draft Five-Year Review, neither contained the required

review using the PRG Calculators and both were based on the old, inadequate standards such as

Reg. Guide 1.86 rather than updated standards based on the EPA PRGs.

Five months later, EPA renewed these orders in a letter to the Navy on August 14, 2018,

commenting on the Navy's draft retesting plan for Parcel G:

Section 3.3 and 4.3, Remediation Goals for soil and buildings, respectively: These sections list the current ROD RGs. The HPNS's Five-Year Review occurring in 2018 is evaluating whether the current selected remedies, including these ROD RGs, are still protective and whether any changes are necessary to ensure continued protectiveness. **Based on national practices directed by EPA headquarters, EPA expects this process to use the most current version of the EPA Preliminary Remediation Goal (PRG) Calculator and Building PRG Calculator to assess the ROD radiological RGs. The Work Plan should use only those cleanup goals confirmed through this analysis to be protective.**

(emphasis added)

Despite these repeated directions from EPA to the Navy to use the PRG and BPRG Calculators to update cleanup goals in the Five-Year Review, the Navy failed to do so. The draft Five-Year Review had no analysis whether the cleanup standards being employed at HPS for radionuclides were protective; no running of the PRG and BPRG Calculators to determine what the standards should in fact be. Furthermore, the draft Retesting Plan for Parcel G failed to use standards based on the EPA PRG Calculators. EPA criticized that again, for at least the fourth time, in its September 21, 2018 comments on the Navy's draft Five-Year Review, and once again directed the Navy to comply, seemingly beginning to lose patience:

Section 6.2.2, Changes in Toxicity and Other Contaminant Characteristics: EPA Guidance calls for evaluation of the significance of changes in toxicity values and other contaminant characteristics when conducting a Five-Year Review. [fn deleted] The EPA's Preliminary Remediation Goal (PRG) Calculators for soil, the Building PRG Calculator for buildings, and the Surface PRG Calculator for surfaces, "which are used to develop risk-based PRGs for radionuclides, are recommended by EPA for Superfund remedial radiation risk assessments." [fn deleted] ... **EPA has previously commented that this fourth FYR should include updated risk evaluations for existing remediation goals (RGs) using the current versions of the EPA's PRG Calculators, but this is not addressed in the FYR. For example, risk should be calculated for soil, buildings, piers, and bollards. Please revise the FYR to include the results of updated risk evaluations for existing RGs using the current versions of the EPA's PRG calculators to ensure that existing RGs remain protective.** (emphasis added)

Despite these repeated and escalating directions from EPA, the Navy as of yet hasn't done the comparisons, so we have.

p. 25 of hard copy, p. 34 of pdf:

BPRG Calculator Inputs

We are aware of three changes to the default inputs for the BPRG Calculator that the Navy has already proposed, were it to at some point do the calculations. These were apparently put forward by the Navy in a conference call with EPA on September 5, 2018, and EPA's decisions are set forth in its September 21, 2018, comments on the Navy's draft Five-Year Review at pp. 4-5. Two of the three proposed alterations were rejected by EPA (although one does not know if EPA will stick to its guns on either or both if pushed further by the Navy).

The Navy asked first of all to change an assumption for dust/removable contamination in the BPRG to presume all the surfaces in the building to be hard surfaces instead of the default mix of hard and soft surfaces. EPA OK'd this change, and we have used it in the BPRG calculations presented in this report. It is the only change to the defaults we have made, and it was one

proposed by the Navy and approved by EPA.

Secondly, the Navy asked to add a dissipation rate to the model for removable contamination;

i.e., to assume that the level of contamination inside the building goes down dramatically over

time. EPA rejected this proposal, noting in part "Not having a dissipation factor also ensures that

if by chance contamination does get back into the home that recontamination is accounted within the

model" and that the BPRG Calculator Users Guide "warns users about adding a dissipation rate."

The Navy, however, may not give up and may still try to push for such a dissipation rate, at some

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point putting forward what is claims are data from Hunters Point. Given its history of, for

example, choosing skewed background data (e.g., taken from potentially contaminated areas),

such asserted data should be viewed with significant skepticism. Furthermore, while there may

indeed be some mechanisms whereby removable contamination levels decrease over time, there

are, as EPA pointed out, other mechanisms whereby outside contamination can be brought into

the building, increasing rather than decreasing levels inside. For example, much of Hunters

Point soil is contaminated, and with substantial excavation, construction and remediation

activities, contaminated soil particles can readily be resuspended and flow into homes or

otherwise be tracked in over many years. Assuming depletion or dissipation of contamination in

the structures would be questionable.

Thirdly, "the Navy suggested that the transfer factor for hard surfaces of 0.5 be reduced to 0.2

since '20% removable' is what has been assumed [by the Navy] at Hunters Point...." EPA

rejected this request, saying, "With extensive research conducted for hard surfaces at the World

Trade Center, EPA cannot deviate from the default of 0.5 for hard surfaces."

However, once

again, the Navy may come back with purported data from HPS suggesting there is something

special about the hard surfaces inside buildings there to argue for ignoring EPA's CERCLA

guidance and World Trade Center experience. Such claims should be viewed critically. At

present, however, that proposed weakened factor has been rejected.

These three alterations to the defaults for the BPRG Calculator proposed by the Navy are the

only ones known publicly, and two of the three have been rejected by EPA. We therefore used

the standard EPA defaults, with the one change being that which had requested by the Navy and

approved by EPA, the assumption that all interior surfaces are hard surfaces.

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